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*Attorneys for Defendants Bank of America,
N.A.; Mortgage Electronic Registration
Systems, Inc.; and Merscorp Holdings, Inc.*

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JEREMY WOLFSON,

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL
ASSOCIATION, its successors in interest
and/or Assigns; MTC FINANCIAL INC. d/b/a
TRUSTEE CORPS; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS
INC; MERSCORP HOLDINGS, INC.;
MAROON HOLDING, LLC;
INTERCONTINENTAL EXCHANGE, INC.;
FIRST MAGNUS FINANCIAL
CORPORATION, AN ARIZONA
CORPORATION
Does # 1-10, inclusive,

Defendants.

Case No. 3:17-cv-06064-BHS

**DECLARATION OF DANIEL J.
GIBBONS IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

I Daniel J. Gibbons, declare and state as follows:

DECLARATION IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS- 1

Case No.: 3:17-cv-06064-BHS
{S1724092; 1 }



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Attorneys & Counselors

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1 1. I am an attorney for the law firm of Witherspoon Kelley, counsel of record for
2 Bank of America, N.A. ("BANA"), Mortgage Electronic Registration Systems, Inc. ("MERS")
3 and MERSCORP Holdings, Inc. ("MERSCORP" and collectively, the "Defendants") in this
4 matter. I am over the age of eighteen (18), am competent to testify, and have personal
5 knowledge of the matters set forth in this Declaration. I make this Declaration in support of
6 Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the Deed of Trust
8 recorded on April 27, 2007 under Pierce County Recorder's Office No. 200704271001 securing
9 the Note and encumbering the real property located at 16208 132nd Avenue East, Puyallup,
10 Washington 98374.

11 3. Attached hereto as **Exhibit B** is a true and correct copy of the Assignment
12 of Deed of Trust from MERS that assigned the Deed of Trust to Bank of America
13 recorded on June 25, 2013 under Pierce County Recorder's Office No. 201306250227.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of the Quit Claim Deed
15 recorded on November 20, 2013 under Pierce County Recorder's Office No. 201311200452.

16 5. Attached hereto as **Exhibit D** is a true and correct copy of the Notice of
17 Trustee's Sale recorded on March 30, 2017 under Pierce County Recorder's Office No.
18 201703300242.

19 6. Attached hereto as **Exhibit E** is a true and correct copy of the bankruptcy docket
20 from the case of *In Re Jeremy Wolfson*, U.S. Bankruptcy Court, Western District of Washington
21 Case No. 17-42973-BDL-13.

22 7. Attached hereto as **Exhibit F** is a true and correct copy of the adversary docket
23 from the case of *Wolfson vs. Bank of America, et al*, U.S. Bankruptcy Court, Western District
24 of Washington Case No. 17-04081-BDL.

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DECLARATION IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS- 2
Case No.: 3:17-cv-06064-BHS
{S1724092; 1 }



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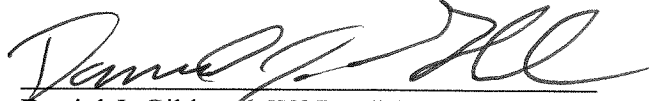
Attorneys & Counselors

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1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct.

3 Respectfully submitted this 9th day of July, 2018.
4

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6 

7 Daniel J. Gibbons, WSBA # 33036

8 djg@witherspoonkelley.com

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12 Fax: 509-458-2728

13 *Attorneys for Defendants Bank of America, N.A.,*
14 *Mortgage Electronic Registration Systems, Inc.; and*
15 *Merscorp Holdings, Inc.*
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DECLARATION IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS- 3

Case No.: 3:17-cv-06064-BHS

{S1724092; 1 }



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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2018,

1. I caused to be electronically filed the foregoing DECLARATION OF DANIEL J. GIBBONS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Jeremy Wolfson: jerwolfson@gmail.com
Michael S. DeLeo: mdeleo@prklaw.com
Fred B. Burnside: fredburnside@dwt.com
Frederick A Haist: frederickhaist@dwt.com

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed: **None.**

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None.**

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None.**

s/Daniel J. Gibbons
Daniel J. Gibbons, WSBA # 33036
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DECLARATION IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS- 4

Case No.: 3:17-cv-06064-BHS
(S1724092; 1)



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